

Serial No. 09/445,131

Attorney Docket No. RCA 88,670

REMARKS

The Office Action mailed November 7, 2005 has been received and carefully considered. Claims 1, 3-6, 8-11, 15, and 19-23 are pending in the application. Claims 15 and 19-23 have been indicated to be allowable.

Rejection of Claims 1, 3, 5, 6, 8, 10 and 11 under 35 USC § 102(e)

Claims 1, 3, 5, 6, 8, 10 and 11 are rejected under 35 U.S.C. § 102(e) as being anticipated by Oshima et al. (U.S. Patent No. 6,081,785).

The present invention provides for a recording medium having a first and a second side. Each of the two sides includes program data. A first area and a second area of the medium have distinctive laser encoded data representing information identifying the respective program data. The first area on the first side and the second area on the second side are disposed between the center of the recording medium and an outer circumference. The program data is disposed outside the outer circumference (Burst Cutting Area). The first area and the second area occupy non-overlapping positions with respect to each other, and wherein said first and second areas are Burst Cutting Areas on opposite sides of the disk.

Oshima et al. describe a pit portion of optical disks with an additional recording area or Burst Cutting Area (BCA) overwritten with a bar code and, when the disks are manufactured, IDs differing for each disk and, according to the need, cipher keys for communication and decoding keys for decoding key cipher texts for communication, are recorded individually in the BCA areas.

The Office Action indicates that a recording medium having a first and second side comprising respective program data on the first and the second sides of the medium is described in column 2, line 40, of Oshima et al. Applicant respectfully disagrees. The paragraph containing column 2, line 40, of Oshima et al. describes a

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communication cipher key distribution and crypto-communication with a BCA of
Figures 18, 19 and 20. There is no mention of a recording medium having a first and
second side in this passage. Oshima et al. only describes two areas on the same side of a
recording medium. Thus, Oshima et al. neither disclose nor suggest "a recording
medium having a first and a second side" as recited in claim 1 of the present invention.

The Office Action further contends that it is inherent that a two-sided disc would have areas on both sides. While two-sided discs do in fact have areas on both sides, Oshima et al. combined with this inherent knowledge neither discloses nor suggests "a first area on said first side and a second area on said second side of said medium...said first area and said second area occupying non-overlapping positions with respect to each other, wherein said first and second areas are burst cutting areas" as recited in claim 1 of the present claimed invention. The motivation behind the non-overlapping positions is to prevent potential defects. The laser cutting process employed to remove the aluminum reflective surface to form a BCA may cause potential defects if multiple BCAs are used on a disk and different BCAs overlap each other. As shown in Figure 3B of the present claimed invention, as reflective layer 1 is melted away by a laser beam, layer 0 could also be inadvertently melted away by the same laser beam.

To overcome the potential defects associated with more than one BCA being used on a disk and having the different BCAs overlap each other, in the present claimed invention, the first and second BCA areas occupy non-overlapping positions with respect to each other. Furthermore, according to claim 1, the BCA areas recorded on opposite sides of the disk also occupy non-overlapping positions with respect to each other. As clearly shown in Figure 6 of the present claimed invention, layer 0 of side A, layer 1 of side A, layer 0 of side B, and layer 1 of side B all occupy non-overlapping positions. The motivation behind the non-overlapping BCA positions on opposite sides of the disk is also to prevent defects during the process of removing a portion of reflective layer 1. As reflective layer 1 on the first side is melted away by a laser beam, layer 0 on the second side could also be affected by the same laser beam during the melting process. Thus, Oshima et al. neither disclose nor suggest "a first area on said

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first side and a second area on said second side of said medium...said first area and said second area occupying non-overlapping positions with respect to each other, wherein said first and second areas are burst cutting areas" as in the present claimed invention.

Claim 6 of the present invention provides for a recording medium comprising a first area and a second area of the medium having distinctive laser encoded data representing information identifying the respective program data. The first area and the second area are disposed between the center of the recording medium and an outer circumference. The program data is disposed outside the outer circumference. The first area and the second area occupy non-overlapping positions with respect to each other, and wherein said first and second areas are Burst Cutting Areas.

As discussed above, while Oshima et al. provide two recording layers, Oshima et al. does not provide multiple BCAs. In fact, in Oshima et al., a BCA flag is recorded in the control data of the first recording layer, indicating whether a BCA information is recorded or not. This is unlike the present invention as recited in Claim 6. In the present invention as recited in Claim 6, each BCA area represents individualized information of a particular layer of the recording medium. Thus, in the present invention, the first and second BCA areas occupy non-overlapping positions with respect to each other. In Oshima et al a BCA flag recorded in the control data of the first recording is located in the same layer as the BCA information. Thus, Oshima et al. neither disclose nor suggest "a first area on said first layer and a second area on said second layer, each said area having disposed thereon distinctive laser encoded data representing individualized information, said first area and said second area being disposed between the center of the recording medium and an outer circumference," as recited in claim 6 of in the present invention.

In view of the above remarks to the claims, it is respectfully submitted that Oshima et al. provide no 35 USC § 112 compliant enabling disclosure showing the above discussed features. It is thus further respectfully submitted that claims 1 and 6 are not anticipated by Oshima et al. As claims 3-6 and 8-11 are dependent on independent claims 1 and 6, it is respectfully submitted that these claims are also allowable for the

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same reasons discussed above with respect to claims 1 and 6. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

Rejection of Claims 4 and 9 under 35 USC § 103(a)

Claims 4 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Oshima et al. (U.S. Patent No. 6,081,785).

The Examiner contends that claims 4 and 9 are unpatentable over Oshima et al. which describe the first and second areas positioned as concentric rings with respect to each other. However, as mentioned above, Oshima et al. are concerned only with providing a BCA flag recorded in the control data of the first recording layer, indicating whether a BCA information is recorded or not, and BCA information recorded in a second area on the same side of the disk. Oshima et al., however, neither disclose nor suggest "a first area on said first side and a second area on said second side of said medium...said first area and said second area occupying non-overlapping positions with respect to each other, wherein said first and second areas are burst cutting areas" as in the present claimed invention.

In view of the above remarks it is respectfully submitted that there is no 35 USC § 112 compliant enabling disclosure contained within Oshima et al. showing the above discussed features. It is thus further respectfully submitted that that the present claimed invention is patentable over Oshima et al. As claims 4 and 9 are dependent on independent claims 1 and 6, respectively, it is respectfully submitted that these claims are also allowable for the same reasons discussed above with respect to claims 1 and 6. It is thus, further respectfully submitted that this rejection is satisfied and should be withdrawn.

Having fully addressed the Examiner's rejections it is believed that, in view of the preceding amendments and remarks, this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited.

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If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6866, so that a mutually convenient date and time for a telephonic interview may be scheduled.

No fee is believed due with this response. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,
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